

REMARKS/ARGUMENTS

This is a reply to the Office Action dated December 5, 2006.

Status of Claims

Claims 7 and 11 remain in this application. Claims 1-6 and 8-10 have been canceled. New Claims 12-14 have been added. New claims 12 and 13 are supported, for example, at page 6, lines 16-19 of the present specification. New claim 12 is supported, for example, by original claim 5 and page 6, lines 20-24 of the specification.

Applicants acknowledge with appreciation the withdrawal of previous rejections based variously on Daly et al., Mor et al., Thomson, and Findley et al.

Obviousness Rejection

Claims 7 and 11 have been rejected under 35 USC §103(a) as being unpatentable over Jones et al. (U.S. Pat. No. 3,668,172).

The Office Action admits that Jones et al. does not disclose a specific example in which the amount of wetting agent compound and TiO₂ lie in the claimed range. The Office Action asserts that Jones et al. disclose a broader range of components, but that in the absence of any showing of criticality of the claimed ranges, it is maintained that one having ordinary skill in the art would have found it obvious to arrive at the subject matter of the instant claims. Thus, according to the Office Action, the use of the claimed pigment is “especially obvious” since it has been deemed that the discovery of optimum values of result-effective variables in a known process is within the level of ordinary skill in the art.

The criticality and unexpected results associated with the film of the present invention, as having been made with the wetting agent consisting essentially of the recited wetting compound, titanium dioxide, and polymeric carrier resin ingredients in their respective amounts, is disclosed in the application, including disclosure at page 6, line 20 to page 7, line 4, inclusive of the Data Table on page 7. As shown in the Table on page 7 of the present specification, in wetting agent formulations containing significant titanium dioxide (viz. 40%) and LDPE carrier resin, the use of lower surfactant level (e.g., 10% and 12.5%) yielded significant hole reduction (7.2% and 12.2%, respectively), “Waste From Holes”) versus comparison formulations containing 15.3% surfactant (16.4% and 32.5% “Waste From Holes”).

Applicants submit that the Jones et al. patent is unrelated to the claimed invention. The presently claimed invention is directed essentially to a continuously extruded wettable film while the Jones et al. patent pertains to the formation of pigmented microdenier *fibers*. Although Jones et al. suggest at column 3, lines 29-31 that the pigmented polyester compositions may be used in articles such as film, tape, and ribbon, in an undeveloped manner, or fiber, the problems addressed, detailed descriptions and examples of Jones et al. are all focused only on fiber applications of the pigment concentrate described therein.

Pursuant to the current invention, the wetting agent in pellet form is blended with the polymeric resin pellets prior to extrusion of the film so the extruded film is wettable, but it does not contain wetting agent pellets. The pellet form of concentrate referenced in the Office Action at column 4, line 12 of Jones et al. is a *carbon black* concentrate (see col. 3, line 51 to col. 4, line 12), and not a titanium dioxide concentrate. Example 4 of Jones et al. discloses a titanium dioxide pigment formulation, but it is not prepared in pellet form (see col. 4, lines 61-71). The wetting agent pellets of the present invention have *improved pellet surface characteristics*, as well as improved rheological properties and enhanced performance in extrusion effective to enhance processability of polymers with which it is blended and provide film products having improved properties as indicated above.

Applicants also note that the Office Action suggests that Jones et al. “implicates” that the level of pigment varies according to the desired color of end-product, without citation of a passage therein. However, based on Applicants’ review, Jones et al. actually indicates that the amount of the pigment *concentrate*, and not the pigment level therein, may be adjusted to impact the shade and color intensity desired (see col. 2, line 74 to col. 3, line 5). Therefore, Jones et al. does not teach that the pigment level per se of the concentrate is a results-effective parameter, much less how it might be beneficially adjusted relative to surfactant and carrier resin levels of the same concentrate. The above-identified unexpected and improved attributes of the presently claimed invention are quite surprising, and they would not have been predicted or expected from the teachings of Jones et al.

In view of at least the above, reconsideration and withdrawal of the obviousness rejection is respectfully requested.

It is believed that this application is in condition for allowance, and notice of such is respectfully requested.

U.S. Patent Application No. 10/001,363
Amendment –After Non-Final Rejection
Reply to Office Action dated December 5, 2006

If the Examiner believes that a teleconference would be useful in expediting the prosecution of this application, the official is kindly invited to contact Applicant's representative of record indicated below.

Respectfully submitted,

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